

<p>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</p> <p><b>Caption in Compliance with D.N.J. LBR 9004-2(c)</b></p> <p><b>LOWENSTEIN SANDLER PC</b> Kenneth A. Rosen (KAR-4963) 65 Livingston Avenue Roseland, New Jersey 07068 Tel: (973) 597-2500 Fax: (973) 597-2400 <i>Counsel to Fraser Papers, Inc.</i></p>	<p>In re:</p> <p>INTERNATIONAL MILL DIRECT, CORP.,</p> <p style="text-align: center;">Debtor.</p>	<p>Chapter 7</p> <p>Case No. 02-42617 (MBK)</p> <p>Judge: Honorable Michael B. Kaplan</p>
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**MOTION OF FRASER PAPERS, INC. FOR AN ORDER AUTHORIZING AND  
DIRECTING THE CLERK OF THE COURT TO RELEASE THE  
DISTRIBUTION CHECK TO FRASER PAPERS, INC.**

Through this motion (the “Motion”), Fraser Papers, Inc. (“Fraser”) through its undersigned counsel, seeks the entry of an order from the Court authorizing and directing the Clerk of the Court to release the distribution check in the amount of \$4,121.64 to Fraser in payment of its unsecured claim. In support of the Motion, Fraser respectfully represents as follows:

**I. JURISDICTION AND BACKGROUND**

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. § 1334.

This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (0).

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1409

3. On October 22, 2002 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 7 of Title 7 of the United States Code (the “Bankruptcy Code”) in this Court.

4. On October 24, 2002, John W. Sywilok, Esq. was appointed as the chapter 7 Trustee (the “Trustee”) in this bankruptcy case.

5. Prior to the Petition Date, the Debtor was involved in the business of selling paper products located at 18 Bank Street, Summit, New Jersey

6. On December 18, 2002, Fraser filed a Proof of Claim in the amount of \$104,103.25 representing its unsecured claim (“the Proof of Claim”). Such Proof of Claim is entered on the claims register as Claim No. 1.

7. No objections to the Proof of Claim were filed and as such, the Trustee issued a distribution check (the “Distribution Check”) in the amount of \$4,121.64 (the “Distribution”) to Fraser representing Fraser’s *pro rata* share of the assets available for distribution to unsecured creditors. The Distribution Check was mailed to an incorrect address and, as a result, was returned to the Trustee.

8. On August 12, 2009, the Trustee filed a Notice Depositing Unclaimed Funds Pursuant to D.N.J. LBR 7067-1 indicating that the Distribution Check was returned to the Clerk of the United States Bankruptcy Court.

## **II. RELIEF REQUESTED AND BASIS THEREFOR**

9. Fraser requests that the Court enter an Order authorizing and directing the Clerk of the Court to release the Distribution to Fraser at the following address: Fraser Papers, Inc., 82 Bridge Avenue, Madawaska, ME, 04756, Attention: Darcy Quellette, Credit & Accounts Receivable Supervisor.

10. Fraser submits that the relief being sought with respect to notice, form and procedure is fair and reasonable.

**III. NOTICE**

11. Notice of this Motion has been given to: John W. Sywilok, Esq., Trustee, Godlesky & Sywilok, Esqs., 51 Main Street, Hackensack, NJ, 07601; and all parties entitled to receive electronic notice via the Court's CM/ECF system

12. No prior application for the relief requested herein has been made to this Court or any other court. Fraser respectfully requests that the requirements of D.N.J. LBR 9013-2 be waived, as the Application does not implicate novel issues of law.

**IV. CONCLUSION**

WHEREFORE, Fraser respectfully requests that the Court grant the Motion entering an Order Authorizing and Directing the Clerk of the Court to Release the Distribution to Fraser Papers, Inc. in payment of its unsecured claim and grant such other relief as the Court deems just and appropriate under the circumstances.

Respectfully submitted,

LOWENSTEIN SANDLER PC  
Attorneys for Fraser Papers, Inc.

By: /s/Kenneth A. Rosen  
Kenneth A. Rosen

DATED: September 11, 2009